

# EXHIBIT 6

**In the Matter of:**

**KEITH REED**

vs

**ALECTO HEALTHCARE SERVICES, LLC**

**DANIEL DUNMYER**

*June 08, 2022*



5010 Dempsey Drive  
Cross Lanes WV 25313  
304-415-1122

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT WHEELING

KEITH REED, LISA DOLENCE,  
ELIZABETH SCHENKEL, EMILY  
WINES, MARK GARAN and AUGUST  
ULLUM, individually and on behalf of  
others similarly situated,

Plaintiffs,

vs. Case No. 5:19-CV-00263-JPB

ALECTO HEALTHCARE SERVICES, LLC,  
and ALECTO HEALTHCARE SERVICES  
WHEELING, LLC, d/b/a OHIO VALLEY  
MEDICAL GROUP and d/b/a OVMC PHYSICIANS,

Defendants.

DEPOSITION OF DANIEL DUNMYER  
BY VIDEO CONFERENCE

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The deposition of Daniel Dunmyer was  
taken on June 8, 2022, at 1:00 p.m.,  
at 5010 Dempsey Drive, Cross Lanes,  
West Virginia.

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ELITE COURT REPORTING, LLC  
5010 Dempsey Drive  
Cross Lanes, West Virginia 25313  
(304) 415-1122

Martha Fourney, CSR

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1 DANIEL DUNMYER,  
2 called as a witness, first being duly  
3 sworn by the Court Reporter/Notary Public,  
4 testified as follows, to wit:

5 EXAMINATION

6 BY MR. POMPONIO:

7 Q. Good afternoon. This is -- I'm Bren  
8 Pomponio. I represent the plaintiffs in this  
9 case. Thank you for being here.

10 Could you state and spell your name for  
11 the record?

12 A. Yes. It's Daniel Charles Dunmyer;  
13 D-A-N-I-E-L, C-H-A-R-L-E-S, D-U-N-M-Y-E-R.

14 Q. Have you ever been deposed before?

15 A. Yes, I have.

16 Q. About how many times?

17 A. Between five and ten.

18 Q. And so I take it you're somewhat  
19 familiar with this process, correct?

20 A. Somewhat familiar, yes.

21 Q. Okay. Well, if you need a break for  
22 anything at any time -- we're scheduled to only  
23 go two hours, so we're obviously not going to  
24 be here all afternoon. But if you need a break

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1 affiliated in any capacity with AHS?

2 A. I'll give you a guess. I think it was  
3 around December 17th of 2018, I believe.

4 Q. Okay. And how did that -- what was  
5 that affiliation?

6 A. Well, I was hired to be the CEO of OVMC  
7 in East Ohio.

8 Q. Okay. And -- I'm sorry. I didn't mean  
9 to cut you off.

10 A. I was going to give you my whole  
11 history. Back when I was a kid, I was in  
12 Charleston, South Carolina, at the time, and I  
13 relocated to Wheeling.

14 Q. How did you get selected for that  
15 position?

16 A. I was -- I don't know how my name got  
17 to these folks. I guess maybe people in  
18 Wheeling -- I knew people in Wheeling anyway.  
19 But they put Lex Reddy and Ron Bingham in touch  
20 with me. I talked with them on the phone  
21 several times over several months. I can't  
22 tell you more specific than that. I don't know  
23 what the time frame was.

24 But then along about October, November,

1 number. I'm sorry.

2 Q. Do you have a recollection when it  
3 was -- the date that they were terminated?

4 A. I do not. I didn't see any letters.

5 I've talked with my attorneys. I was -- we did  
6 not go over any piece of paper. And I don't  
7 have those with me, so I could not remember  
8 that.

9 Q. So there's documents that have been  
10 produced in connection with this case that  
11 refer to something called flexing. Are you  
12 familiar with that term?

13 A. With what?

14 Q. Flexing.

15 A. Flexing? Flexing of staff or flexing  
16 of hours?

17 Q. Right.

18 A. I'm familiar with that.

19 Q. I'm talking about flexing of staff.

20 A. Well, I've used that term in every  
21 hospital I've been in. If it means the same --  
22 without the context -- if you show me the  
23 letter that says it, I will tell you. But we  
24 do that currently. If census drops, you flex

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1 your team, you drop hours. So I'm familiar  
2 with the term. I'm familiar for -- what it  
3 does for us. But without a copy of the letter  
4 or the context of the letter, I don't know how  
5 to answer you.

6 Q. Okay. That's fair enough. And you  
7 obviously -- I just wanted to know, first of  
8 all, if you were familiar with it --

9 A. Yeah.

10 Q. -- the term, and would like you to --  
11 and you started to do this -- explain to me  
12 what it is. And you started to explain it.  
13 And you said that if the census drops, then you  
14 flex the staff out. Is that -- am I saying it  
15 --

16 A. I didn't say it quite that way. But,  
17 yes, if census drops, you call people off.

18 Q. Okay. And what's the census?

19 A. The number of patients in the hospital;  
20 number of patients coming into different  
21 departments for services.

22 Q. Okay. So how was the staffing at OVMC  
23 handled after it was announced that the  
24 hospital was going to close?

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1       A. I can't recall how we did it. I want  
2 to answer your questions, but I've got to have  
3 more facts I guess. But we reduced staff  
4 because of reduced activities.

5       Q. Okay. And so if -- was staff permitted  
6 to come to work if there was not any work for  
7 them to do after August 7th?

8       A. If there was no work to be done, I  
9 assume we said stay home. Or we could -- if we  
10 were short in another department -- if they had  
11 the credentials, we could move them to another  
12 department. But I can't remember how we  
13 handled different days there.

14           So in general terms, yeah, we could --  
15 we'd call them off, send them home, have them  
16 work half days, work in other departments -  
17 this is any hospital - in order to get the job  
18 done, take care of the patients, but also be  
19 aware of reducing costs where you can. So I  
20 don't recall how we did it those days. I can't  
21 even tell you what the census was on  
22 August 7th. I have no recollection.

23       Q. Well, certainly after September 3rd  
24 when the acute care and emergency services were

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1 suspended, the census presumably dropped  
2 dramatically?

3 A. To zero, yeah.

4 Q. After that date, how was the staffing  
5 handled? What you're saying is that the  
6 paperwork told us not to come in?

7 A. I guess that's true, yes. We had some  
8 that did. We still had to collect the bills --  
9 or patients -- yeah, we had the bills for the  
10 services. We had to support and record medical  
11 records. Those types of things went on  
12 afterwards. So there were some that were still  
13 working. But if their job was not required,  
14 they would have been called off, yes.

15 Q. Okay. And do you have a recollection  
16 about -- sort of the percentage of the  
17 workforce there -- percentage of employees at  
18 OVMC that -- after that September 3rd closure  
19 were still coming to work?

20 A. I can't -- I have no idea. There were  
21 some. It was not a large percentage, but there  
22 were some. I don't know what percentage was  
23 still coming.

24 Q. Is it fair to say by October 1st most